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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,749	08/23/2000	Alain Penders	466592000100	2770

25227 7590 12/22/2003  
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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/643,749

Applicant(s)

PENDERS, ALAIN

Examiner

Kevin Parton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 09/26/2003 have been fully considered but are all directed to the newly amended claims. The newly amended claims have been addressed fully in the grounds of rejection below.

### ***Drawings***

2. The drawings are objected to because figures 1, 3, and 6 use no reference numbers. All figures should be described in the specification using reference numbers. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coco et al. (USPN 6,331,864) in view of Fowlow et al. (USPN 6,189,138).

5. Regarding claim 1, Coco et al. (USPN 6,331,864) teach a system for an end user of a service to create the service for a device using a platform owned by a platform owner with means for:

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- a. Receiving from the end-user linking information indicating a second predefined building block to link to a first pre-defined building block (figure 3; figure 2; column 3, lines 55-61).
- b. Creating the service by linking and configuring the first and second predefined building blocks (figure 2; figure 3; column 4, lines 10-15).
- c. Loading data relating to a service into a service execution environment from a database (column 4, lines 3-14).
- d. Determining whether the use of the data is an acceptable type (column 4, lines 3-14).
- e. Determining at run time by the service execution environment whether the use of the data by the service is permitted (column 4, lines 3-14).
- f. Executing the service on the platform immediately, without testing the service (figure 5).

Although the system disclosed by Coco et al. (USPN 6,331,864) shows substantial features of the claimed invention, it fails to disclose means wherein the data loaded is specifically security settings and privacy settings.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Fowlow et al. (USPN 6,189,138).

In an analogous art, Fowlow et al. (USPN 6,189,138) discloses a system for creating a service wherein supporting data is loaded and the data loaded is specifically security settings and privacy settings (column 7, lines 9-11).

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Given the teaching of Fowlow et al. (USPN 6,189,138), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the loading of security data. This benefits the system by allowing users of the system to create applications that can function without ever having access to the actual data that may be confidential.

6. Regarding claim 2, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end user configuration information to configure the first pre-defined building block (figure 2; figure 3).

7. Regarding claim 3, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for creating the service based on the received configuration and linking information (figure 2; figure 3; column 3, lines 55-61).

8. Regarding claim 4, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 3. They further teach means for determining an integrity of the created service (figure 2, reference number 111).

9. Regarding claim 5, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end-user an indication of information to modify the service (figure 3; figure 2; column 3, lines 55-61).

10. Regarding claim 6, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from an end user an indication of information to delete the service (figure 3; figure 2; column 3, lines 55-61). Note that in the reference, different blocks and links could be deleted.

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11. Regarding claim 7, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for receiving from the end-user an indication of information to activate the service (figure 3; figure 2; column 3, lines 55-61).

12. Regarding claim 8, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for assigning a value to a variable of the first or second building block (figure 2, figure 3). Note that in the reference, the ranges can be altered on all building blocks.

13. Regarding claim 9, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 1. They further teach means for executing the service (figure 5).

14. Claims 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coco et al. (USPN 6,331,864) in view of Dye et al. (USPN 6,102,965) and Fowlow et al. (USPN 6,189,138).

15. Regarding claim 10, Coco et al. (USPN 6,331,864) teach a system for an end user of a device using a platform to create the service comprising:

- a. A platform having a service creation interface to allow the end-user to create the service by linking a first pre-defined building block to a second pre-defined building block, the service being executed without requiring any testing (figure 3; figure 2; figure 5; column 3, lines 55-61).
- b. A service execution environment for controlling at least program flow and variables of the service (column 4, lines 3-14).
- c. A database for storing data related to a service and for providing data to the service execution environment (column 4, lines 3-14).

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- d. A data processing system for examining at least external data and for determining whether the use of data within a service is acceptable (column 4, lines 3-14).
- e. A variable management module for at least checking the integrity of data delivered to the end user of a service at run-time (column 4, lines 3-14).
- f. An interface for interacting with the service creation interface (figure 3).

Although the system disclosed by Coco et al. (USPN 6,331,864) shows substantial features of the claimed invention, it fails to disclose specifically:

- a. Means wherein the end user uses a client machine and the service interface is on a server.
- b. Means wherein the execution environment controls security settings and privacy settings.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et al. (USPN 6,102,965) and Fowlow et al. (USPN 6,189,138).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of services by an end-user wherein the service is created on a server for use on the client (figure 3; column 4, lines 45-50).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a distributed development system. This benefits the

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system because end-users can make use of the one instantiation of a service on the server without recreating it on each end user machine.

In an analogous art, Fowlow et al. (USPN 6,189,138) discloses a system for creating a service wherein the execution environment controls security settings and privacy settings (column 7, lines 9-11).

Given the teaching of Fowlow et al. (USPN 6,189,138), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of security data. This benefits the system by allowing users of the system to create applications that can function without ever having access to the actual data that may be confidential.

16. Regarding claim 11, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the client interacts with the platform via a proxy server protocol.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864), as evidenced by Dye et al. (USPN 6,102,965).

In an analogous art, Dye et al. (USPN 6,102,965) discloses a system for the creation of services by an end-user using a client wherein the client interacts with the platform via a proxy server protocol (column 10, lines 47-48).

Given the teaching of Dye et al. (USPN 6,102,965), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a proxy server protocol for communication. This



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allows for clients to interact with the server via a known protocol standard. This benefits the system by decreasing the amount of work required to integrate a new client.

17. Regarding claim 12, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach a directory device which stores the first and second pre-defined building blocks (figure 2; figure 3). Note that in the reference, the user selects from previously created blocks. This means that they are stored in some directory system.

18. Regarding claim 13, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach a directory device which stores the service (column 3, lines 55-61). Note that in the reference, the service is created and used, requiring being saved in a directory structure.

19. Regarding claim 14, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the service creation interface prevent unauthorized users from accessing the service system.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the protection of the service creation from unauthorized users. Computer security on client server networks is well known and applied to a large majority of networks. This benefits the system by ensuring that the building blocks of the system will not be accessed and computing power utilized by people not authorized to use the system.

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20. Regarding claim 15, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the device includes an Internet appliance (column 3, lines 36-40).

21. Regarding claim 16, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the client interface includes a dedicated client application (column 3, lines 12-14).

22. Regarding claim 17, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the first or second building block includes a variable to which an end-user assigns a value (figure 3; figure 2; column 3, lines 55-61).

23. Regarding claim 18, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the first and second building block includes a building block configuration interface which guides the end-user through a process for configuring the building block (figure 3).

24. Regarding claim 19, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the client interface includes a web browser.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a web browser for the computer interface. This is a widely implemented technique for giving a wide

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range of users access to a server. This benefits the system by allowing clients running different operating systems to access the same service.

25. Regarding claim 20, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the client interface includes a web browser having an intelligent skin.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the use of a web browser for the computer interface. This is a widely implemented technique for giving a wide range of users access to a server. This benefits the system by allowing clients running different operating systems to access the same service. An intelligent skin can be any visual interface.

26. Regarding claim 21, Coco et al. (USPN 6,331,864) teaches all the limitations as applied to claim 10. They further teach means wherein the device includes a mobile device (column 3, lines 36-37). Note that in the reference, any device can be used. This would include a mobile device.

27. Regarding claim 22, although the system disclosed by Coco et al. (USPN 6,331,864) (as applied to claim 10) shows substantial features of the claimed invention, it fails to disclose means wherein the created service is delivered to the device via a wireless protocol.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Coco et al. (USPN 6,331,864).

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A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Coco et al. (USPN 6,331,864) by employing the inclusion of a wireless protocol. This benefits the system by extended the number of client types to which services can be offered.

28. Regarding claim 23, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the platform further includes rules for checking an integrity of the created service (figure 2, reference number 111).

29. Regarding claim 24, Coco et al. (USPN 6,331,864) teach all the limitations as applied to claim 10. They further teach means wherein the platform allows the user to configure the first or second building block (figure 2; figure 3).

### *Conclusion*

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton  
Examiner  
Art Unit 2153

ksp



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